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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,300	01/04/2006	Yvon Charbonneau	15782-3us PTN/df	1317
20988 7590 10/15/2008 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA				
EXAMINER				
REESE, DAVID C				
ART UNIT		PAPER NUMBER		
3677				
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10/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,300

Applicant(s)

CHARBONNEAU, YVON

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) 7-15 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-6, 16 and 18 is/are rejected.
7) ☒ Claim(s) 3 and 17 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Status of Claims

- Claims 7-15 are withdrawn (see below).
- Claims 1-18 are pending.

Election/Restrictions

[1] Claims 7-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Applicant timely did not traverse the restriction (election) requirement in the reply filed on 7/17/2008; so therefore, the election is treated as an election without traverse.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

[2] Claim 1 is objected to because of the following informalities: it is stated in the instant claim that the abutment portion is securable against the longitudinal member for abutting both the opposed surfaces. Though it is apparent that the abutment portion (or bracket) 44 is attached (indirectly) to the longitudinal member 41, it is apparent that there is both the spacer 43 and the pleat of A1 in-between. Consequently, it is apparent that the abutment portion is not abutting (interpreted as directly abutting or touching) both the opposed surfaces of the longitudinal member, but rather the pleat is; the spacer also providing distance between the bracket and longitudinal opposing surfaces.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

- [3] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- [4] Claims 1-2, 4-6, 16, and 18 are rejected under 35 U.S.C. 102(b) as anticipated by Fassauer et al., US-5,353,534, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

As for Claim 1, Fassauer et al. discloses of a display apparatus for sequentially displacing sheets (65) to a display position (see figs. 13-16), comprising:

at least one sheet (65) having a pleat at an edge portion thereof (see top of fig. 16);

a drive (19, 58) for displacing sheets (65) to a display position;

an actuator (62) for actuating the drive; and

at least one connector for connecting one of the sheets (65) to the drive such that the sheet is displaceable to the display position, the connector having a longitudinal member (71) connected (via 67 as shown at the top of fig. 13) to the drive such that the pleat is received against an edge of the longitudinal member (see top of fig. 16) with the sheet lying on

opposed surfaces of the longitudinal member (71), and an abutment portion (77) securable against the longitudinal member (71) for abutting both the opposed surfaces.

Re: Claim 2, further comprising one other connector (67 at the bottom of fig. 16) at an opposite edge portion of the sheet (65) for connecting the opposite edge portion of the sheet (65) to the drive (see bottom of fig. 16).

Re: Claim 4, wherein the drive displaces the sheets (65) in a continuous sequence.

Re: Claim 5, wherein the actuator (62) has a sensor/controller for detecting the sheets (65) in the display position for predetermined amounts of time.

Re: Claim 6, wherein the sheet (65) is a support sheet adapted to support an advertisement sheet (66).

As for Claim 16, Fassauer et al. discloses of a connector for connecting a sheet to a drive of a display apparatus for sequentially displacing sheets (65) to a display position (see figs. 13-16), comprising:

a longitudinal member (71) for supporting an edge portion of the sheet (65);
connector ends (ends of 71) at opposed longitudinal ends of the longitudinal member (71) for connecting (via 67 as shown at the top of fig. 13) the longitudinal member (71) to the drive;
and

an abutment portion (77) securable against the longitudinal member (71) for retaining the edge portion of the sheet (66) therebetween.

Re: Claim 18, wherein the edge portion of the sheet (65) has a pleat received against an edge of the longitudinal member (71) such that the sheet lies an opposed surfaces of the

longitudinal member (see top of fig. 16), with the abutment portion (77) abutting both the opposed surfaces.

Allowable Subject Matter

[5] Claims 3 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

[6] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of display: please see submitted notice of reference cited.

[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached at (571) 272-6987. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese

/D. C. R./
Examiner, Art Unit 3677

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677